



PATENT
2023796-7036862001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Medford Alan Dyer

Serial No.: 10/715,001

Filed: November 17, 2003

For: Portable Speakerphone with Pivoting
Microphone Boom

)
) Confirmation No.: 2259

)
) Group Art Unit: 2681

)
) Examiner: Smith, Sheila B.

TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:


Transmitted herewith is an Response (3 pages) to Office Action, mailed March 21, 2005, for the above-identified application.

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 50-2518, Docket No. 2023796-7036862001.

Respectfully submitted,
BINGHAM MCCUTCHEN LLP

Dated: June 10, 2005

By:


Michael J. Bolan
Reg. No. 42,339

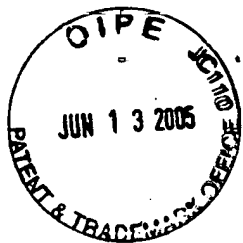
Bingham McCutchen LLP
Three Embarcadero Center, 18th Floor
San Francisco, California 94111
(714) 830-0606

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Jocelyn L. Lee



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RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This letter is responsive to the Office Action mailed March 21, 2005. Claims 1-22 remain pending in this application, and have not been amended. Based on the following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §102

Claims 1 and 2 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,991,646 ("Frank"). Applicant respectfully traverses this rejection, since Frank does not disclose each and every element required by these claims.

In particular, independent claim 1 requires the speaker to be located along an axis of minimal sensitivity associated with the microphone when the microphone boom is located in either of first and second positions. The Examiner is directed to Figs. 1-3 of the instant application and the corresponding text, which describes an exemplary speakerphone 100 that comprises a microphone boom 105 that can be moved to at least two positions (open position in

Fig. 1 and closed position in Fig. 2), a microphone 107 mounted to the microphone boom 105 and having an axis of minimal sensitivity 305 (shown in Fig. 3), and a speaker 111 that is located along the axis of minimum sensitivity 305 when the microphone boom 105 is located in either of the two positions (as can be appreciated from Fig. 3, the axis of minimum sensitivity 305 will always be pointing towards the speaker 111 as the microphone boom 105 is rotated between positions).

Although the Examiner has stated in the office action that the speaker 100 disclosed in Frank is located along an axis of minimal sensitivity associated with a microphone 101 associated with a microphone boom 102 when placed in two positions, Applicant disagrees. Not only does Frank fail to disclose this element, Frank fails to disclose where the axis of minimum sensitivity of the microphone 101 is. If the Examiner believes otherwise, she is respectfully requested to specifically identify such axis of minimum sensitivity, and to point out in Frank where the speaker 100 is disclosed as being located at this axis when the microphone boom 102 is located in the two positions. Otherwise, Applicant respectfully requests withdrawal of the rejections of claims 1 and 2.

Claim Rejections-35 U.S.C. §103

Claims 3-22 stand rejected under 35 U.S.C. §103(a) as being obvious over Frank in view of U.S. Patent Publication No. 2004/0063456 ("Griffin"). Applicant respectfully traverses this rejection, since neither Frank nor Griffin, alone or in combination, discloses, teaches or suggests the combination of elements required by these claims. In particular, as previously stated above, Frank does not disclose a speakerphone having speaker that is located along an axis of minimal sensitivity associated with the microphone when the microphone boom is located in different positions. Griffin fails to supplement this lack of teaching.

As such, Applicants believe that claims 3-22 are not obvious over the combination of Frank and Griffin, and as such, respectfully request withdrawal of the rejections of these claims.

Conclusion


Based on the foregoing, all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0600.

Respectfully submitted,

BINGHAM MCCUTCHEN LLP

Dated: June 10, 2005

By:


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